

REMARKS

Applicants appreciate the Examiner's indication of allowance of claims 3-15 and 44. Claims 48-57 are presently amended to correct reference to renumbered claims. No new matter is added by virtue of the amendments. The following remarks are made in response to the maintained and new rejections:

Claim 46 was maintained as rejected for lacking written description. The Examiner indicated the rejection was not addressed in Applicant's response. Applicants respectfully submit the rejection was addressed in Applicants' previous response in conjunction with remarks made to the same rejection of claim 16. In a telephone discussion with the Examiner, Applicants have pointed out the amendments and remarks made in the previous response in an effort to clarify. The Examiner acknowledged the claim amendments and comments which address the previous rejection. Applicants therefore request reconsideration and withdrawal of the rejection.

Claim 16 was rejected under 35 USC 112, first paragraph as not reasonably providing enablement for any and/or all isolated polypeptides of SEQ ID NOs 4-5 that consist of at least 50 consecutive amino acid residues of SEQ ID NO:2. Applicants respectfully traverse the rejection.

Applicants submit the application as filed does in fact provide each of the necessary elements to carry out the subject matter of claim 16, and contrary to the Examiner's assertion, all possible derivatives of SEQ ID NO:2 comprising at least 50 consecutive amino acid residues having at least one claimed ACE2 bioactivity. Applicants have provided the amino acid sequence of SEQ ID NO:2. Additionally, it is routine in the art to construct derivatives comprising 50 consecutive amino acids, and applicants have additionally provided description in creating fragments of SEQ ID NO:2 as well as polypeptides having at least 50 consecutive amino acids of SEQ ID NO:2 (see, e.g., specification at page 29, first full paragraph through page 34, first full paragraph; and page 46, last full paragraph through page 48). Still further, Applicants' description sets forth the claimed bioactivities, as well as methods for assessing such activities (see, e.g., page 19, last paragraph through page 20; page 33, second full paragraph). The Examiner's rejection is apparently based on the numerous possibilities of various polypeptides comprising at least 50 consecutive amino acid sequences of SEQ ID NO: 2 which could be generated, and testing whether these could each be assessed for biological activity. Applicants submit, however, the number of possibilities of testing alone is not sufficient to maintain the present enablement rejection, as the tools to carry out such generation and/or identification of peptides, testing of bioactivities and identification of polypeptides comprising at least 50 consecutive amino acids having an ACE2 bioactivity are in fact readily available to those of skill in the art in view of Applicants' disclosure and the knowledge of those skilled in the art. Reconsideration and withdrawal of the rejection is thus respectfully requested.

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Claims 48-57 were rejected for depending from rejected claims. It is believed the independent claims from which Claims 48-57 depend are presently allowable. As such, reconsideration and withdrawal of the rejection of claims 48-57 is respectfully requested.

In view of these amendments and remarks, Applicants respectfully submit that the objections and the rejections of the claims under 35 U.S.C. §§ 112 are now overcome and that this application is now in condition for allowance. Early notice to this effect is solicited. If a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

It is believed this paper is being filed timely, and no extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

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Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By



Kerri Pollard Schray

Registration No. 47066

40 Landsdowne Street

Cambridge, MA 02139

Telephone - 617-551-3676

Facsimile - 617-551-8820